

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EMANUEL REDDEN,

Plaintiff,

v.

CORRECTIONAL OFFICER DIEZ,

Defendant.

Civil Action No. 05-241-GMS

AFFIDAVIT OF LAURO DIAZ

I, Lauro Diaz, having been duly sworn by law, do hereby depose and state as follows:

1. I am employed by the State of Delaware Department of Correction ("DOC") as a Correctional Officer at the Sussex Correctional Institute ("SCI"), Georgetown, Delaware. I have been employed at SCI since August 1999.
2. On or about September 1, 2004, at approximately 10:00 p.m., I and another officer were performing time punches on four tiers in the medium building at SCI. I am not normally assigned to the medium building but I was assigned to the building that day.
3. The procedure for performing a time punch requires one officer to open the gate to the tier while the other officer goes onto the tier and makes the check. The officer at the gate is to watch the officer on the tier for safety reasons. I and the other officer followed this procedure. No unusual events or incidents occurred. Therefore there was nothing to report.
4. Sometime after the time punch checks were complete, an inmate who I

did not know but later learned to be Emanuel Redden, came downstairs and began talking to the Officer in Charge of the building – Sergeant Barry Biles.

5. During the conversation between Inmate Redden and Sergeant Biles I heard Inmate Redden tell Sergeant Biles that I had hit him while I was performing the time punch.

6. I did not hit Inmate Redden while performing the time punches on the tier.

7. I have never received any disciplinary action for allegedly hitting Inmate Redden.


Lauro Diaz

SWORN AND SUBSCRIBED before me this 8th day of

February, 2007.


Notary

JUDITH ANN LEDERMAN
NOTARY PUBLIC, STATE OF DELAWARE
My Commission Expires August 19, 2007